

smear tests, so reducing the number of women recalled for repeat testing.

The current screening programme, which uses the Pap smear test, requires a sample of cells to be collected from the cervix with a disposable spatula. The sample is spread on to a glass slide and sprayed with, or dipped in, a liquid to fix it before being sent for examination.

In contrast, the spatula device used to collect cervical cell samples in liquid based cytology techniques is simply rinsed or broken off into a vial of preservative fluid, with minimal risk of sample loss. The sample is then sent to the hospital laboratory, where the slide is prepared.

The NHS cancer screening programme also announced that the frequency of cervical screening is being changed from the current interval of every three to five years for women aged 20-64 years. Women will be invited for a first test at the age of 25 years and will be offered screening every three years until the age of 50. Cervical screening will then be offered every five years for women aged 50-64 years.

Susan Mayor *London*

## German doctors shun eastern states

Eastern Germany faces a dramatic shortage of doctors. In the past few years several hundred general and specialist practices in the five eastern states of Brandenburg, Mecklenburg-Western Pomerania, Thuringia, Saxony-Anhalt, and Saxony had to be closed down because vacancies could not be filled. However, with an increasing proportion of elderly people in the eastern states, medical care is in high demand.

The situation will worsen in the future, because the percentage of young doctors in Germany as a whole is decreasing: only 19% of doctors are younger than 35.

Young doctors educated at the medical schools in east Germany, such as Leipzig and Dresden, are leaving for more lucrative jobs in the western part of the country, which is also having difficulty filling vacancies. Furthermore, more

and more doctors are emigrating and are prepared to accept more attractive offers from Sweden, Norway, and Great Britain.

Annette Tuffs *Heidelberg*

## Regulatory body will inquire into decision to test patient for HIV without consent

A high court in South Africa is to force the Health Professions Council, the statutory body that registers doctors and regulates their professional affairs, to hold a hearing into the conduct of a doctor who failed to disclose the HIV status of a patient he had tested without her permission.

The decision stemmed from the council's refusal to hold an inquiry after it made a decision that was based only on the doctor's evidence.

The case arose after the patient, known only as VRM, had a stillborn baby apparently as a result of her HIV infection, a condition she had not known she had.

The doctor, Elardus Labuschagne, had treated the woman in her sixth month of pregnancy. He had tested her for HIV but had decided not to communicate the positive result to her, as he felt it would burden her unnecessarily.

However, when the baby was stillborn he told her that it had probably died as a result of her HIV infection. That was the first she had heard of her condition.

The AIDS Law Project at Wits University took her case to the Health Professions Council, which held a "preliminary" inquiry into the circumstances, heard only the doctor's evidence, and declined to investigate further at a full disciplinary hearing.

A high court ruling upheld this decision on review (as it was in the patient's best interests, the court believed)—but the decision was then appealed to a full bench of the Pretoria High Court, where it succeeded last week.

Pat Sidley *Johannesburg*

## Governor Jeb Bush intervenes in "right to die" case

Fred Charatan *Florida*

A right to die case in Florida that has passed through the hands of 19 separate judges drew the state's governor, Jeb Bush, into its ambit last week, when he met the family of the woman at its centre and filed a brief with the court.

The case centres on Terri Schiavo, 39, who has been in a persistent vegetative state since a cardiac arrest in 1990. Her husband, Michael Schiavo, won a judgment in November 2002 that his wife's feeding tube could be removed. He has said that his wife once told him that she would never want to be kept alive artificially. But Mrs Schiavo's parents, Bob and Mary Schindler, have been fighting for her feeding tube to remain.

Last week Mrs Schiavo's husband prevailed. After a court judgment on Tuesday 16 October doctors removed the feeding tube. She is expected to die some time in the next fortnight.

Governor Jeb Bush's brief does not yet seem to have had any effect. In his brief, known as an "amicus curiae" brief (a brief provided by a disinterested adviser to the court), he argued that it might be unconstitutional to allow Ms Schiavo to die without testing her to see whether she can swallow, a test she has already failed.

Besides filing the brief he has instructed his legal staff to find out whether there is a way that the judge's original 2002 order to remove the feeding tube could be found to be unconstitutional.

But last Friday both the circuit court judge and the First District Court of Appeals in Tallahassee, Florida, denied the parents' request for restoration of the feeding tube, without comment.

Most doctors, including those appointed by the courts, deem Mrs Schiavo's condition to be permanent and irreversible.

Pressure had been brought to bear on Governor Bush by a number of pro-life organisations and committed individuals. Pamela Hennessey of Clearwater, Florida, for example, collected 40,000 signatures on an online petition asking Bush to intervene.

Diana Coleman, president of an organisation called Not Dead Yet, based in Forest Park, Illinois, which opposes the right to die movement, said, "This case threatens all people who are deemed incompetent, whether it's due to dementia, Alzheimer's, brain injury, or mental retardation." She added: "What disabled people are seeing is [that] the courts will not protect us and the healthcare system will not honour our rights."

The case has been complicated by claims from the Schindlers that shortly before her cardiac arrest their daughter had said she wanted a divorce and by counterclaims from Michael Schiavo that the Schindlers want custody of their daughter, so that they can get some of the malpractice award that he won in 1992. The award totalled \$1m (£0.6m; €0.9m). □



Governor Jeb Bush addresses reporters after a meeting with Terri Schiavo's parents, Mary and Bob Schindler (centre and centre right)